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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,106	03/31/2004	Yuichi Ichikawa	9683/182	6587
757 7590 06/19/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER CHEN, SHIN HON	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,106

Applicant(s)

ICHIKAWA ET AL.

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/31/04, 2/21/06, 6/26/06, and 4/16/07.

DETAILED ACTION

1. Claims 1-12 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over MasRibes European Patent Application EP1132796 (hereinafter MR) in view of Wildish et al. U.S. Pub. No. 20030212888 (hereinafter Wildish).

4. As per claim 1 and 10-12, MR discloses a communication device comprising: an executing means for executing software (MR:[0019]); a permission data storing means for storing permission data indicating permissible behavior for an application, which is a group of functions provided by execution of the software (MR: [0020]: RRL certificate); a checking means for checking, before the software is executed, whether the permission data are valid; and an execution control means for permitting said executing means to execute the software when, on the basis of a result of the check carried out by said checking means, the permission data are determined to be valid, and for not permitting said executing means to execute the software when, on the basis of the result of the check executed by said checking means, the permission data are determined to be invalid (MR: [0021]: check if the certificate is still valid). MR does not

Art Unit: 2131

explicitly disclose accessing an external device to verify whether the permission data is still valid. However, Wildish discloses checking Certificate Revocation List periodically to determine whether the certificate has been revoked prior to expiration time indicated in the certificate (Wildish: [0010]). It would have been obvious to one having ordinary skill in the art to verify the status of the permission data prior to execution of the software by checking with certificate distribution center because it provides certificate revocation list as well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Wildish within the system of MR because it validates the certificate prior to the expiration.

5. As per claim 2, MR as modified discloses the device of claim 1. MR as modified further discloses wherein, said communication device further comprises a determining means for determining whether it is necessary to carry out the check by said checking means, said determining means either carrying out or not carrying out the check on the basis of a determination made by said determination means (Wildish: [0046]).

6. As per claim 3, MR as modified discloses the device of claim 2. MR as modified further discloses wherein, said determining means comprises: a counting means for counting a number of executions of the software; and a frequency data storing means for storing frequency data indicating how frequently it is necessary to carry out the check; and wherein, said determining means determines, on the basis of a number of executions of the software, as counted by said counting means, and on the basis of the frequency data stored in said frequency data storing

Art Unit: 2131

means, whether it is necessary to carry out a check by said checking means (Wildish: [0046]). It would have been an obvious matter of design choice to establish the frequency of the certificate verification process.

7. As per claim 4, MR as modified discloses the device of claim 2. MR as modified further discloses wherein, said determining means comprises: a timer means for providing time data indicating a present time; and a time interval data storing means for storing time interval data indicating a time interval at which it is necessary to carry out the check; and wherein, said determining means calculates, on the basis of time data provided by said timer, a time period between a present time and a time recorded at a most recent execution of the software, and determines whether it is necessary to carry out the check by said checking means on the basis of the calculated time period and the time interval data stored in said time interval data storing means (Wildish: [0046]). Same rationale applies here as above in rejecting claim 3.

8. As per claim 5, MR as modified discloses the device of claim 1. MR as modified further discloses wherein: said communication device further comprises count data storing means for storing count data indicating a count of times that the software is allowed to be executed in a condition that said checking means is unable to make the check; and said execution control means permits said executing means to execute the software in a condition that said checking means is unable to make the check up to a number of times which is indicated by the count data stored in said count data storing means (Wildish: [0010]; [0046]). Same rationale applies here as above in rejecting claim 3.

9. As per claim 6, MR as modified discloses the device of claim 1. MR as modified further discloses an updating means for obtaining update data from said external device, and updating the permission data stored in said permission data storing means on the basis of the update data (MR: [0010]: update on the status of the certificate).

10. As per claim 7, MR as modified discloses the device of claim 6. MR as modified further discloses wherein: said updating means transmits, to said external device, update timing data indicating a timing of a most recent update of the permission data stored in said permission data storing means, when said checking means makes the check; receives update data transmitted from said external device in response to the transmission of the update timing data; and updates the permission data stored in said permission data storing means on the basis of the update data (Wildish: [0046]). Same rationale applies here as above in rejecting claim 3.

11. As per claim 8, MR as modified discloses the device of claim 1. MR as modified further discloses a terminating means for instructing said executing means to terminate execution of the software when the application attempts to conduct behavior which the application is not permitted to conduct (MR: [0028]: execute only when the certificate is valid).

12. As per claim 9, MR as modified discloses the device of claim 1. MR as modified further discloses wherein: the permission data contain information on usage of at least one of an internal hardware resource of said communication device, an external hardware resource of said

Art Unit: 2131

communication device, a software resource and a communication network resource (MR: [0019]: RRL).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skibbie et al. U.S. Pat. No. 6910128 discloses a method for processing a signed applet by verifying the certificates associated with JAR files.

Lin et al. U.S. Pat. No. 6766353 discloses method for authenticating a java archive for portable devices that includes developer's certificate to be validated.

Hope et al. U.S. Pub. No. 20030079125 discloses method for electronic certificate revocation.

Heddings et al. U.S. Pat. No. 6993665 discloses applet permissions manager.

Shrader et al. U.S. Pat. No. 6526513 discloses architecture for dynamic permissions in Java.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC


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